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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,230	06/08/2001	Vaughn E. Keenan	04694.00073	6194

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EXAMINER

WILSON, JACQUELINE B

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,230

Applicant(s)

KEENAN ET AL

Examiner

Jacqueline Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-26,28-52,54-64 and 66-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-50,56-64,66-78 and 85-95 is/are allowed.
- 6) ☒ Claim(s) 14-15,16-26,28-30,51,52,54,55,79,80,81,82,83,84 is/are rejected.
- 7) ☒ Claim(s) 4-13 and 31-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: Claim 16 depends on cancelled claim 2. Appropriate correction is required.

For examination purposes, the examiner will interpret this claim to depend on Claim 1.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Harris (US 2002/0067922).

Regarding Claim 1, Harris teaches a generally horizontal extending boom assembly having a length of from about 30 to 50 inches (p. 2, first column, paragraph 0026, boom assembly is at least 36 inches), the boom assembly being positioned generally above the midpoint of a target area (target area is referred to as half-pipe 22; see fig. 1), at least one digital camera mounted on the boom assembly at a location spaced from the plane of the target area (fig. 1, camera 12 must be a digital camera

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since images are sent to a digital recorder, p. 5, second column, paragraph 0060) , and a controller in communication with the at least one digital camera for receiving image data from the at least one digital camera and processing the image data to form a digital image of the target area (p. 5, first column, lines 20+).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 2002/0067922) and Umeda et al. (US 5,920,342).**

Regarding Claim 14, Harris fails to specifically teach the controller is couple to a computer network and uses resources of the computer network. However, Umeda et al teaches a controller (16) is coupled to a computer network (referred to as Ethernet; col. 15, lines 5-16). Ethernet is a local area network in which users at remote locations can receive information for viewing. Although Umeda et al does not specifically disclose the controller (16) uses remote viewing resources of the computer network, it is inherent that an Ethernet (LAN) is used to share information between users. In this case, the information would be the documents being captured. Therefore, it would have obvious

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to one having ordinary skill in the art to have the controller coupled to a computer network and use resources of the computer network.

Claim 15 is analyzed and discussed with respect to Claim 14. (See rejection of Claim 14 above.)

3. Claims 16-25, 28-30, 51, 52, 54, 55, and 79-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris and Kuno (US 6,567,121).

Regarding Claim 16, Harris et al fails to specifically teaches the controller has Internet server capabilities and is coupled to a distributed computer network to allow the digital image to be accessed by a user through an Internet browser. However, Kuno teaches a controller (fig. 1) that has Internet server capabilities (through communication interface 7; col. 3, lines 20+) and is coupled to a distributed computer network to allow digital images to be accessed by a user through an Internet browser (col. 3, lines 23+; see also fig. 7). This gives remote users the ability to view images without being in the vicinity of the object. Therefore, it would have been obvious to one having ordinary skill in the art to have the controller to have Internet sever capabilities and is coupled to a distributed computer network to allow the digital image to be accessed by a user through an Internet browser.

Regarding Claims 17 and 18, Harris teaches that a command and handling system carries pointing commands from a controller (not shown) at the operator end to servos (60 and 62) and camera signals from the camera back to a monitor (p. 5, first

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column, lines 23+). It would have been obvious that this controller is a personal computer for the purpose commanding and receiving image signals for viewing on a monitor or processing for storage. Therefore, it would have been obvious to one having ordinary skill in the art for the control to be a dedicated appliance which is a personal computer.

Regarding Claim 19, Harris fails to specifically teach the controller sends digital image to a designated secondary storage location in the distributed computer network. However Kuna teaches that image data is sent to a network for Internet usage. One having ordinary skill would recognize that a remote computer system, or the like, would obviously be involved to receive the images. Therefore, a storage location would, at the remote location, also be obvious to one having ordinary skill in the art such that the user at the remote location may save, edit, print, etc, the received information at any desired time. Therefore, it would have been obvious to one having ordinary skill in the art to provide a designated secondary storage location in the distributed computer network.

Claim 20 is analyzed and discussed with respect to Claim 17 and 18. (See rejection of Claims 17 and 18 above.)

Claim 23 is analyzed and discussed with respect to Claims 1 and 16. In response to applicant's limitation of "the target area including high contrast pen strokes on a white or empty background", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In

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a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). In this case, Harris is capable of forming a digital image of the target area including high contrast pen strokes on a white or empty background.

Claims 21 and 22 are analyzed and discussed with respect to Claim 23, in which the pens stroke are capable of being in color. (See rejection of Claim 23 above.)

Claim 24 is analyzed and discussed with respect to Claim 14, where "publishes said digital image" is the information from the controller which distributes the information via Ethernet. (See rejection of Claim 14 above.)

Claim 25 is analyzed and discussed with respect to Claim 19. (See rejection of Claim 19 above.)

Claim 28 is analyzed and discussed with respect to Claim 1, wherein the digital recorder inherently saves in a selected format. (See rejection of Claim 1 above.)

Regarding Claim 29, Harris fails to specifically disclose the digital recorder uses a .JPEG format. However, it is notoriously well known in the art to use .JPEG for storing digital information utilizing a compression/decompression algorithm. Using .JPEG format allows compatibility between digital cameras and computer systems for sharing digital information. (Official Notice)

Claim 30 is analyzed and discussed with respect to Claim 20. (See rejection of Claim 20 above.)

Claim 51 is analyzed and discussed with respect to Claims 1 and 16. (See rejections of Claims 1 and 16 above.)

Claim 52 is analyzed and discussed with respect to Claim 19. (See rejection of Claim 19 above.)

Claim 54 is analyzed and discussed with respect to Claim 20, wherein the display (28) shows the images being captured. (See rejection of Claim 20 above.)

Claim 55 is analyzed and discussed with respect to Claim 22. (See rejection of Claim 22 above.)

Claim 79 is analyzed and discussed with respect to Claims 1, 16 and 21. (See rejections of Claims 1, 16, and 21 above.)

Claim 80 is analyzed and discussed with respect to Claim 17. (See rejection of Claim 17 above.)

Claim 81 is analyzed and discussed with respect to Claim 18. (See rejection of Claim 18 above.)

Claim 82 is analyzed and discussed with respect to Claim 19. (See rejection of Claim 19 above.)

Claim 83 is analyzed and discussed with respect to Claim 20. (See rejection of Claim 20 above.)

Claim 84 is analyzed and discussed with respect to Claim 22. (See rejection of Claim 22 above.)

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris, Kuno (US 6,567,121), and in view of Umeda et al.

Regarding Claim 26, Harris fails to specifically teach the controller processes image data received from the at least one digital camera to reduce the size of the digital image. However, Umeda et al teaches the controller performs data compression on the received image data (col. 10, lines 37+). Compressing image data reduces the size of the digital image. This is done for the purpose of either transmitting data over a communications line, or for storage on a hard disk, magneto-optical disk, or the like (col. 10, lines 37-49). Therefore, it would have been obvious to modify Harris to include the controller to process the image data to reduce the size of the digital image.

Allowable Subject Matter

5. Claims 4-13, and 31-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claim 4, the prior art neither teaches nor fairly suggests a generally horizontal extending boom assembly having a length of from about 30 to 50 inches, the boom assembly being positioned generally above the midpoint of a target area, at least one digital camera mounted on the boom assembly, and a controller in communication with the at least one digital camera, as claimed in Claim 1, wherein **the boom assembly includes a wall mount, a boom extending outwardly from the wall**

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mount and a camera head on a distal end of the boom, the camera supporting the at least one digital camera.

Regarding Claim 31, the prior art neither teaches nor fairly suggests a boom assembly adapted to extend outwardly from a generally vertical surface, at least one digital camera mounted on the boom assembly at a location spaced from the surface, and a controller in communication with the at least one digital camera, as claimed in Claim 23, wherein **the boom assembly includes a wall mount, a boom extending outwardly from the wall mount and a camera head on a distal end of the boom, the camera head supporting the at least one digital camera.**

6. Claims 42-50, 56-64, 66-78 and 85-95 are allowed.

In response to 37 CFR 1.131 affidavit, no prior art has been found prior to the dates shown in the exhibits.

Conclusion

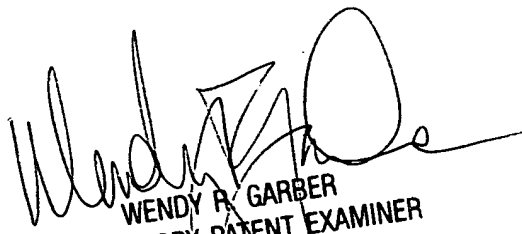
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Wilson whose telephone number is (571) 272-7322. The examiner can normally be reached on 8:30am-5:00pm (alternate Fridays off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JW
05/03/05


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